

MINUTES
NATURAL RESOURCES COMMISSION

November 6, 2003

**Lansing Center
333 E. Michigan
Lansing**

PRESENT FOR THE COMMISSION

Jim Campbell
Keith Charters, Chairman
Paul Eisele, Vice Chairman
Bob Garner
John Madigan
Bill Parfet

COMMISSIONERS NOT PRESENT

Frank Wheatlake

PRESENT FOR STAFF

K. L. Cool, Director
A. Michael Leffler, Legal Counsel
George Burgoyne, Resource Management Deputy
Jim Ekdahl, Upper Peninsula Field Deputy
Kelli Sobel, Administrative Deputy
Department Staff

COMMITTEE OF THE WHOLE

Chairman Charters called the Committee of the Whole meeting of the Natural Resources Commission (NRC) to order at 3:08 p.m. on Thursday, November 6, 2003. The Committee of the Whole is a working session of the NRC.

DNR Cabinet Presentation – Michigan Facts/DNR Accomplishments

Director Cool presented a Powerpoint as presentation to the Governor's Cabinet on October 14, 2003. Following are some DNR/Michigan Facts of interest:

Michigan:

- Has 11,000 inland lakes
- Has 36,000 miles of rivers and streams
- Has 3,100 miles of freshwater shoreline
- Registers 1 million boats and 250,000 snowmobiles

- Manages the nation's largest state forest acreage – 4 million acres
- Manages 97 state parks which host 25 million visitors annually
- Hosts 2 million anglers
- Fields 1 million hunters
- Manages 6 million acres of state minerals

Over the past nine months, the DNR has:

- Initiated the customer service kiosk system
- Sold more than 1,500 tax-reverted properties in the city of Detroit at public auctions
- Collaborated with the DEQ to implement orders that will prevent and control new aquatic nuisance species in Michigan's waters
- Began construction of Tri-Centennial State Harbor in Detroit
- Designated the Pine and Upper Manistee rivers to the state's list of Natural Rivers
- Transferred Tawas Point, Big Sable and Grand Traverse lighthouses from federal to state ownership
- Accomplished a 65 percent usage rate of the DNR's LAPs 4th Grade curriculum
- Dedicated the largest state park renovation in Michigan's history at Sterling State Park
- Begun the process of implementing a comprehensive review of its 4.5 million acres to ensure optimal use
- Worked with the Governor's Chronic Wasting Disease (CWD) Task Force in addressing the serious threat of the disease to Michigan's deer and elk populations.

Illegal Importation of Deer and Elk

Director Cool reported that a DNR Conservation Officer, with the assistance of the Milan Police Department, stopped illegal importation of deer and elk moving from Ohio to Mecosta County, Michigan. He thanked the Milan Police Department for their assistance.

Governor's Directive on Travel

Director Cool distributed Executive Directive 2003-17, "Restrictions on Non-Essential Travel." Until Fiscal Year ending September 30, 2004, "departments and agencies shall take all reasonable efforts to limit in-state travel funded with state funds unless the travel is critical to the effective and efficient operation of state government." This may impact staff travel to out-of-Lansing NRC meetings.

Federal Audit Update

Director Cool introduced the team that was integral in resolving the Federal Audit issues: **Kelli Sobel, Administrative Services Deputy; Laura Willard, DNR Analyst, Law Enforcement Division; Eric Sink, Manager, Tax and Federal Revenue Section; Amy Henderson, Manager, Fund and Revenue Accounting Section; Tim Fornier, Office of Program Assistance and Review; Judy Tkaczyk, Assistant to Kelli Sobel; and Tom Benson, Chief, Office of Program Assistance and Review.** This process

would not have been successful without the expertise of these individuals. **Kelli Sobel** said the audit was a very long, involved process. She commended the team who contributed expertise in many areas to make resolution possible. She was pleased to have worked with the group.

Commissioner Parfet, as Chair of the NRC Policy Committee on Finance and Administration, believes that audits are intended to do good things for an organization. However, the Federal government, in this case, set out with a goal to punish the DNR. He had never seen a situation deteriorate as this one did with no way to reason with the Federal officials. During the audit process, Michigan and other states formed a committee to develop a way to improve the audit process and develop audit guidelines and standards, which were nonexistent. There was no consistency in the process. **Commissioner Parfet** thanked the team and commended them for their hard, persistent work that resulted in Michigan prevailing and succeeding. **Chairman Charters** thanked the team on behalf of the NRC.

Litigation Update

Carol Bambery reported that the DNR received a favorable decision regarding continued debate of when the DNR is subject to local zoning ordinances. Chocolay Township, Marquette County had a local ordinance prohibiting the use of snowmobiles on state land. The DNR wanted to site trail for snowmobile use on state land. **Ms. Bambery** reviewed the legal language in the Court of Appeals determination which states that the DNR is not subject to local ordinances. Negotiations are ongoing with the local unit of government to address any concerns it may have.

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The Committee of the Whole meeting adjourned at 3:53 p.m.

REGULAR MEETING OF THE NATURAL RESOURCES COMMISSION

Chairman Charters called the regular meeting of the Natural Resources Commission (NRC) to order at 4:35 p.m.

PUBLIC APPEARANCES

Jason Dinsmore, Michigan United Conservation Clubs (MUCC), distributed a copy of a letter from MUCC to **Governor Granholm** thanking her for her leadership in appointing a CWD Task Force. The MUCC supports most of the recommendations outlined in the final report of the Task Force including: the recommendation to transfer license application, registration and fence inspection for the captive cervid industry to the DNR; and the creation of a CWD standing committee, the need for additional funding, individual animal IDs and a central database. The MUCC is troubled with the recommendation to extend the moratorium on the importation of captive cervids into Michigan only until a risk assessment is completed. It believes the moratorium on the importation of cervids should remain until such time a live animal test is readily available which will detect the presence of CWD.

Sam Washington, Executive Director, MUCC, was disappointed when he received information that Green Oak and Brighton Townships were filing a lawsuit relative to the Island Lake Shooting Range noise issue. He said that the range exists for use by the public and was a product of a long, hard struggle to site it in an area other than the original desired area – near a gravel pit. This is a state-of-the-art facility. He said that the MUCC went to great lengths to develop Generally Accepted Operation Practices and the Shooting Range Act to prevent this type of lawsuit from occurring. The time to address concerns is prior to building a facility, not after, he said. He encouraged the DNR to fight to keep this shooting range open.

Allen Seitz, Brighton Township resident, is an active shooter and has been most of his life. However, he wants the Island Lake Shooting Range shut down. He believes the noise from the range constitutes an invasion of privacy. He does not believe any of the efforts to lower noise from the facility have worked and believes the 65 decibel limit has been exceeded.

Guy Dobies, Brighton Township, lives close to the Island Lake Shooting Range. He requested that the clay shooting stop to resolve the noise from this activity.

William Diemer, Brighton Township resident, believes that the noise levels from the Island Lake Shooting Range are devaluing the homes in the area. He is concerned with the proximity of the Range to the school.

Ellen Nitz, Milford, believes citizens have the right to live where they want to live and to exercise their chosen activities. She believes that the noise from the Island Lake Shooting Range restricts activities of those who live in the area, and it was built where it did not belong. She would like the DNR to act on what she believes to be a mistake and to close the range.

Walter Nitz, Milford, ran a video tape of noise from near the shooting range that, at times, exceeded the 65 decibels limit.

TURKEY PATCH DESIGN WINNER PRESENTATION

Dan Potter, President, State Chapter of the National Wild Turkey Federation (NWTf), thanked the DNR staff and the NRC for the work they do for conservation of resources. The Chapter joined in a partnership with the DNR two years ago to design and distribute Wild Turkey Management Cooperator patches. The revenue generated from this program is used for turkey habitat.

Dale Elshoff, MSU Extension Service, Project WILD, placed second in the NWTf Educator of the Year Award. She strives to educate kids about wild turkeys and turkey management. The NRC and staff applauded her efforts.

Mr. Potter said that nearly 100 students entered into the patch design contest. They intend to expand the program resulting in more young people getting involved in the conservation movement.

The Overall Contest Runner-Up in this year's contest was Jessica Cojeen from Grand Blanc High School.

The Overall Turkey Patch Contest Winner this year is Breanna Johnson from Three Rivers.

PUBLIC APPEARANCES (continued)

Roger Shoemaker, National Wild Turkey Federation, Upper Peninsula Snow Gobblers Chapter, reported that turkey populations exist in the south central portion of the Upper Peninsula (UP). In addition, remnant flocks of birds exist in southern Schoolcraft, Mackinac and Chippewa Counties. He said that persistent sightings of turkeys along the southern shore of the UP "gives encouragement to those of us who support establishment of huntable population levels into the eastern Upper Peninsula. He believes that the relocation of surplus and nuisance turkeys has been an unqualified success. Mr. Shoemaker requested that planting surplus turkeys and nuisance flocks of birds along the south shore of the Upper Peninsula is nothing more than bringing a logical conclusion to the experimental release of turkeys in Menominee County in the late 1970s and asked that this be done.

Commissioner Garner thanked Mr. Shoemaker and his Chapter for the work they have done on turkey habitat. He stated that the NRC will be looking into this further.

Lillian Hopkins, Brighton Township, recommended that the Island Lake Shooting Range be closed because she does not believe DNR's efforts to reduce noise from the Range are adequate.

Rick Weigand, Brighton, agreed that the DNR has taken steps to address the noise coming from the Island Lake Shooting Range. He does not believe there are improvements, however, and said the DNR is in violation of the local noise ordinance. He recommended the range be closed.

Jenness Wiegand, Brighton, commented on several issues she believes are problems at the Island Lake Shooting Range. She recommended the range be closed.

Marilyn Carr, Milford, believes that there should have been more notification to the public regarding the construction of the Island Lake Shooting Range prior to completion. She said that the Range noise at the State Park beach "is a crime."

Douglas Carr, Milford, believes the noise levels from the Island Lake Shooting Range should be held to the 65 decibels limit. He is opposed to the range based not only on skeet shooting, but the types of artillery being used.

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Chairman Charters adjourned the Public Appearances portion of the NRC meeting at 5:40 p.m. and convened the Regular meeting of the NRC at 5:40 p.m.

REGULAR MEETING OF THE NATURAL RESOURCES COMMISSION

Director's Action Items

Director Cool stated he will approve all Director's Action Items on the agenda **except: Gladwin Forest Management Unit-Arenac County, Land Transaction Case #20030008** which will be added to the December 4-5, 2003 NRC Agenda.

Metallic Minerals Mining in the Upper Peninsula

Commissioner Campbell discussed his concern that metallic minerals mining in the UP may impact the watershed. **Mindy Koch, Chief, Forest, Mineral and Fire Management Division**, said there is a protective clause in minerals leases that states that no mining will take place until the DNR reviews the plans. Acceptable plans must be submitted even prior to exploration activities, and she is comfortable with the process. She recommended that the NRC have a representative from the mining company come to a future meeting to review the specific mining operations. **Commissioner Garner** said that Channel 6 in Marquette has been in opposition to this mining and have said it is close to being reality. **Ms. Koch** said that public meetings have been held in the area to explain that what is being said is not the case. **Commissioner Madigan** said if these mining proposals are handled accurately that jobs could be created in the area.

Oil and Gas Lease Revenues

Ms. Koch reported that \$54 million in revenue was generated last year from state oil and gas leases. The price was up and the volume was down.

NRC Policy Committee on Land Management – Report

Commissioner Eisele reported that the NRC Policy Committee on Land Management met on October 30, 2003 at the Bay City Recreation Area. Commissioner Eisele (Committee Chair) and Commissioner Madigan were present for the Committee. NRC Chairman Charters was also in attendance. The Committee reviewed the draft state recreation and state game area boundaries. This is a continuation of the process to review all state-owned lands. The next meeting of the Committee is scheduled on November 25, 2003 in Lansing, and forestry boundaries will be reviewed.

Commissioner Eisele said this is a very worthwhile exercise and commended staff for their efforts in putting together the data for these reviews.

NRC Policy Committee on Finance and Administration - Report

Commissioner Parfet, Committee Chair, reported that he and Commissioner Wheatlake met with State Budget Director Mary Lannoye. Topics discussed during this meeting included: 1) protection of DNR's restricted funds; 2) how to relieve the DNR of its Payment in Lieu of Taxes (PILT) obligation; 3) granting the NRC fee-setting authority; 4) removing the cap on the Land Exchange Facilitation Fund. He said the discussion went well. They then met with Senator McManus on similar issues. The goal is to develop a broad awareness of the issues and to continue to stress DNR's self-sufficiency through restricted funds.

Discussion ensued regarding the Bovine tuberculosis (TB) funding. **Rebecca Humphries, Chief, Wildlife Division**, said that if the state loses the \$2 million designated to address bovine tuberculosis, split-state status may be in jeopardy.

Commissioner Reports

Commissioner Campbell received DNR related phone calls and mail; and visited the Island Lake Shooting Range and the Pontiac Lake Shooting Range.

Commissioner Madigan thanked Fisheries Division for passage of the Lake Trout regulations in MI-6 of Lake Superior. He attended the Annual Charter Boat Association meeting in Traverse City where he represented the NRC as well as the insurance standpoint; attended the NRC Policy Committee on Land Management meeting in Bay City; attended the U.P. Whitetails meeting in Escanaba; met with Commissioner Wheatlake in Big Rapids while in the Lower Peninsula to discuss road access issues. **Mindy Koch** said that many times, roads are created for a specific purpose and closed when that purpose expires. **Director Cool** stated that the DNR is attempting to rectify the trespass on public property issues.

Commissioner Eisele reported that he chaired the NRC Policy Committee on Land Management and that another Committee meeting will be held on November 25 to discuss only forestry lands. He received several phone calls and correspondence regarding DNR matters. **Commissioner Eisele** reported that the Michigan Manufacturers Association identified "certified state forests" as one of the items for the upcoming Governor's manufacturing summit. He supports the DNR continuing with its plan for certified forestry.

Commissioner Garner received mail and phone calls regarding DNR issues. He expressed concern with the status of the bovine TB funding; and he reported that that his mule deer shot in Wyoming tested positive for CWD. He wished everyone a "happy and safe hunting season."

Commissioner Parfet received several letters and phone calls regarding DNR issues. He attended meetings with Senator McManus and others where they discussed DNR restricted funds. **Commissioner Parfet** believes that, relative to the Island Lake Shooting Range issue, the DNR should attempt to determine if the range is out of compliance and if so, address the problem.

Chairman Charters reported that he attended the NRC Policy Committee on Land Management; and he hunted a great deal the past month.

Chairman Charters congratulated Director Cool for receiving the Champion of Education Award from the Michigan Elementary and Middle School Principals Association for the LAPs Program. The Chairman also congratulated everyone involved in this program, and recognized former **State Representative Bill Bobier** for adding \$80,000 to the DNR's information and education program while he was in the Legislature.

**APPROVAL OF MINUTES – OCTOBER 9-10, 2003 NATURAL RESOURCES
COMMISSION MEETING**

Commissioner Garner made a motion, supported by Commissioner Campbell, for approval. Motion unanimously carried.

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The meeting adjourned at 6:40 p.m.

Approved: _____

Keith J. Charters, Chairman

K. L. Cool, Director